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EXAMINER	
NGUYEN, TU X	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN MATTHEW FORSYTH

Appeal 2016-006143
Application 13/942,776[1]
Technology Center 2600

Before BRADLEY W. BAUMEISTER, JEFFREY S. SMITH, and HUNG H. BUI, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) from the Examiner's Final Office Action rejecting claims 13–19 and 21–35, which are all of the claims pending on appeal. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] According to Appellant, the real party in interest is Core Wireless Licensing S.A.R.L. App. Br. 3.

[2] Our Decision refers to Appellant's Appeal Brief filed November 24, 2015 ("App. Br."); Reply Brief filed May 27, 2016 ("Reply Br."); Examiner's Answer mailed March 30, 2016 ("Ans."); Final Office Action mailed March 20, 2015 ("Final Act."); and original Specification filed July 16, 2013 ("Spec.").

STATEMENT OF THE CASE

Appellant's invention relates to a "mobile device with user-selectable content displayed during idle time." Spec., Title.

Claims 13, 23, and 27 are independent. Claim 13 illustrates Appellant's invention, as reproduced below with disputed limitations in italics:

> 13. A mobile device comprising:
> a processor;
> a memory coupled to the processor, the processor configured to:
> *provide a user interface to customize a setting of an idle screen of the mobile device* to display information from at least one remote information resource on the idle screen based on at least one preference of the user, and
> automatically receive updated information from the at least one remote information resource while the idle screen is displayed and *to display the updated information on the idle screen based on the at least one preference of the user.*

App. Br. 10 (Claims App'x).

Examiner's Rejections and References

(1) Claims 13–19 and 22–35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Martin, Jr. et al., (US 6,363,419 B1; issued Mar. 26, 2002) ("Martin"). Final Act. 2–4.

(2) Claim 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin and Barnes, Jr. (US 7,133,897 B1; issued Nov. 7, 2006) ("Barnes"). Final Act. 4–5.

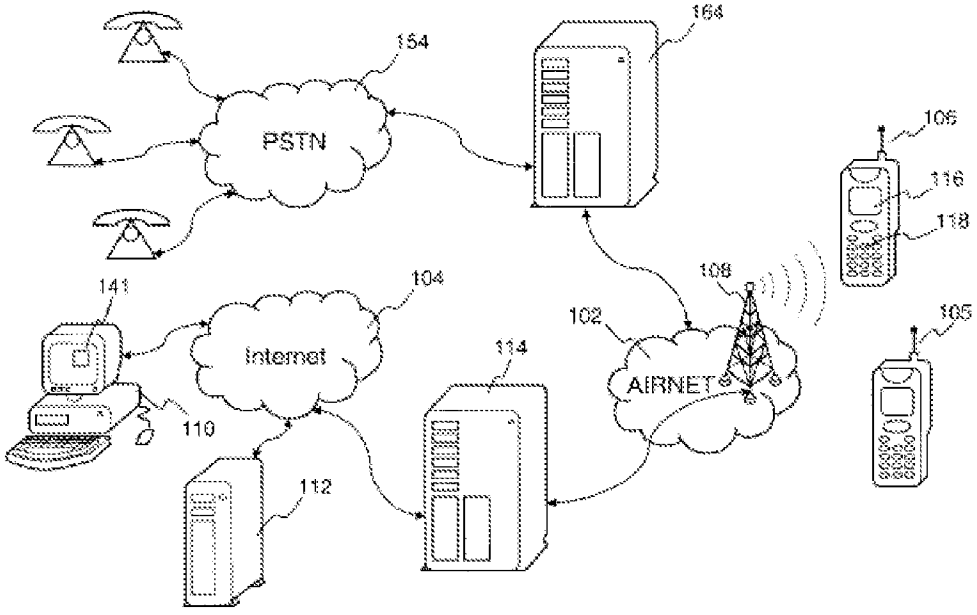
ANALYSIS

With respect to independent claims 13, 23, and 27, the Examiner finds Martin teaches Appellant's claimed "mobile device," shown in Figure 1, including: (1) "a memory" and (2) "a processor configured to:

> [1] provide a user interface to customize a setting of an idle screen of the mobile device to display information from at least one remote information resource on the idle screen based on at least one preference of the user (col. 4 lines 15–35), and
>
> [2] automatically receive updated information from the at least one remote information resource while the idle screen is displayed and to display the updated information on the idle screen based on the at least one preference of the user (col. 6 lines 50–65).

Final Act. 3 (citing Martin 4:15–35, 6:50–65).

Martin's Figure 1 shows a mobile device 106 for displaying idle content information during idle times, as reproduced below.



Martin's Figure 1 shows Appellant's claimed "mobile device" 106 for displaying idle content information during idle times.

Appellant argues Martin does not teach [1] "provid[ing] a user interface to *customize a setting of an idle screen* of the mobile device" and [2] "display[ing] the updated information on the idle screen *based on the at least one preference of the user*" as recited in claim 13, and similarly recited in claims 23 and 27. App. Br. 5–8; Reply Br. 2–6. According to Appellant, "idle screen information [of Martin] is determined by an idle content address identifier that is provided **by the network**" and the "idle content address identifier may link to content information that a wireless network provider wishes to have displayed on the mobile device during idle time," but that is not the same as providing a user the ability to customize idle screen settings as recited in claims 13, 23, and 27. App. Br. 6; Reply Br. 3 (citing Martin 7:39–43).

We are not persuaded by Appellant's arguments. Anticipation under 35 U.S.C. § 102 is a question of fact. *See Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

As shown in Martin's Figure 1, idle content information is stored remote web servers 112, shown in Fig. 1. Ans. 2–3 (citing Martin 3:55–59). A browser program (i.e., user interface) is then used to access idle content information stored in remote web servers 112, 114 to display on the mobile device during idle times. Ans. 2–3 (citing Martin 6:50–59, 7:6–12). As recognized by the Examiner, when the user accesses specific information from remote web servers 112, 114 and enables that specific information to be display on a user's mobile device during an idle time, such a disclosure

can be considered as Appellant's claimed "customiz[ing] a setting of an idle screen of the mobile device to display information from at least one remote information resource on the idle screen based on at least one preference of the user," as recited in claims 13, 23, and 27.

In the Reply, Appellant further argues Martin "does not mention user involvement in selection of idle screen content" and according to Martin, "the browser fetches idle content information in the background based on the *network-provided* idle content address identifier." Reply Br. 5–6. We disagree. According to Martin,

> If the idle timer expires **232** while the mobile device is in the default status display **250**, then the mobile device enters an idle content display state **230**. The idle content display state **230** provides the wireless network service provider with an opportunity to provide information ("content") to the mobile service subscribers while the subscribers are not using their mobile devices ("idle"). The idle content may comprise information about the mobile service such as technical support (numbers, email addresses or links), current network conditions, newly available features, etc. Alternatively, *the idle content may comprise personalized information, such as a reminder that there is a waiting voice mail/email, news headlines that may be of interest the user*, updated traffic/weather report as well as advertising about the mobile service provider's service such as special pricing offers or advertising from third parties.

Martin 6:10–25 (emphasis added). In other words, the user can select and personalize the idle screen content. Martin 4:15–35, 6:10–25.

> The actual information content displayed by the browser program may be set specifying a default idle content address. In one embodiment, the default idle content address is provided to the browser program in the form of a Uniform Resource Identifier (URI) or Uniform Resource Locator (URL) that

> designates where encoded information may be accessed [via the a wireless network].

Martin 7:32–37.

In addition, the idle content to be displayed during idle times can also be automatically *updated* from the at least one remote information resource (i.e., proxy server 114) by periodically "pushing" information to the mobile device. Martin 6:60–67.

For the foregoing reasons, Appellant has not demonstrated Examiner error. Accordingly, we sustain the Examiner's anticipation rejection of independent claims 13, 23, and 27, and their respective dependent claims 14–19, 22, 24–26, and 28–35, which Appellant does not argue separately.

With respect to claim 21, Appellant reiterates the same arguments presented against claim 13. For the same reasons discussed, we also sustain the Examiner's obviousness rejection of claim 21.

CONCLUSION

On the record before us, we conclude Appellant has not demonstrated the Examiner erred in rejecting: (1) claims 13–19 and 22–35 under 35 U.S.C. § 102(b) as being anticipated by Martin; and (2) claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Martin and Barnes.

DECISION

As such, we AFFIRM the Examiner's Final Rejection of claims 13–19 and 21–35.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED